

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

HAZEL M. ROBY,)
as administratrix of)
the estate of Ronald)
Tyrone Roby, deceased,)
)
Plaintiff,)
)
v.)
)
BENTON EXPRESS, INC.,)
)
Defendant.)

CIVIL ACTION NO.
2:05cv494-T

ORDER

Because the motion to dismiss (Doc. No. 27) presents issues best addressed on a summary-judgment motion, it is ORDERED that the motion to dismiss (Doc. No. 27) is denied without prejudice.

DONE, this the 4th day of January, 2006.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE